

REMARKS

I. Amendments

By this amendment, claims 16, 18 and 28 have been amended and claims 23, 25, 26, 29 and 30 have been cancelled.

This amendment adds no new matter to the specification. Support for this amendment is found in the specification and claims as originally filed.

No amendment of inventorship is necessitated by this amendment.

II. Request for Consideration of Previously Submitted Supplemental Information Disclosure Statement

On January 20, 2005, Applicants submitted a Supplemental Information Disclosure Statement and seven references for the Examiner's consideration. However, the IDS was not acknowledged in the Examiner's communication dated April 21, 2005 despite the fact that the January 20 documents have been scanned into the PAIR system. Accordingly, Applicants respectfully request the Examiner's consideration and entry into the record of the previously submitted Supplemental Information Disclosure Statement.

III. Discussion of the Rejection under 35 U.S.C. Sec. 112, First Paragraph

Claims 9-12, 16, 18 and 23-30 have been rejected under 35 U.S.C. Sec. 112, first paragraph as allegedly non-enabled for treating acidosis with compounds other than pioglitazone hydrochloride. Applicants respectfully traverse the rejection.

As an initial matter, Applicants note that dependent claims 9 and 24 are already limited to pioglitazone hydrochloride, which the Examiner has found to be enabled. Therefore Applicants submit that the status of claims 9 and 24 should have been that they were objected to, rather than rejected.

By this amendment, independent claims 16 and 18 have been modified to recite methods wherein the insulin sensitizers are thiazolidinediones. Dependent claim 28 has been similarly

modified. The Examiner has indicated that the specification adequately enables the recited methods when the insulin sensitizer is pioglitazone hydrochloride. Applicants respectfully submit that those skilled in the art would find that the specification provides adequate guidance for enabling the insulin sensitizers as set forth in the pending claims as amended.

CS-011 and BM-13-1258 are recited in independent method claim 16 as amended and also in independent method claim 18. Those skilled in the art understand that each of these compounds is a thiazolidinedione. Applicants thus assert that the pending claims as amended are not so broad as to require undue experimentation to practice the invention.

By this amendment, claims 23, 25, 26, 29 and 30 have been cancelled. Claims 9-12 depend upon claim 18 and claims 24 and 27 depend upon claim 16. Applicants submit that the more specific dependent claims are also enabled for the reasons provided above.

Therefore Applicants respectfully request withdrawal of the Sec. 112, first paragraph rejection.

IV. Conclusion

Reconsideration and allowance of the claims as amended is respectfully requested. Should the Examiner believe that a conference with Applicants' attorney would advance prosecution of this application, he is respectfully requested to call Applicants' attorney at (847) 383-3391.

Respectfully submitted,

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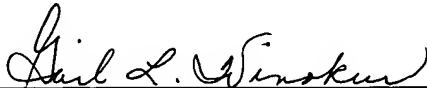
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